

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY ELLEN O'ROURKE, Personal
Representative of the Estate of Thomas
P. O'Rourke,

Plaintiff,

vs

AMERICAN EXPRESS COMPANY, INC.,

Case No: 10-14374
Honorable Victoria A. Roberts

Defendant.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff filed objections to the Magistrate Judge's Report and Recommendation to Grant Defendant's Motion to Dismiss.

Under FRCP 72(b), this Court is required to conduct a *de novo* review of any part of the magistrate judge's disposition which is properly objected to; a second evidentiary or motion hearing is not required.

The Court reviewed the papers filed in connection with the motion to dismiss, the transcript of the motion hearing held on May 24, 2011, the Plaintiff's objections and the Defendant's response to those objections, as well as the applicable law. Based on that review, the Court ACCEPTS the magistrate judge's recommended disposition. The Defendant's motion to dismiss is **GRANTED**.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 13, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 13, 2011.

s/Linda Vertriest
Deputy Clerk